

REMARKS

Claims 21-23, 26-28, 30-35, 44, 76-78, 81, 82, 84-89 and 97 are currently pending.

Claims 21-23, 26-28, 32-35, 44, 76-78, 81, 82, 86-89 and 97 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 7,118,693 (“Glatkowski”). Claims 30 and 84 were rejected under 35 U.S.C. 103(a) over Glatkowski in view of U.S. Patent No. 5,908,585 (“Shibuta I”). Claims 31 and 85 were rejected under 35 U.S.C. 103(a) over Glatkowski in view of U.S. Patent No. 5,853,877 (“Shibuta II”). For the same reason as explained in Applicants *Amendment and Response* of January 23, 2008, Applicants respectfully traverse each of these rejections.

That is, contrary to the Final Office Action, Glatkowski does not teach or suggest the specific milling limitation as recited in Applicants’ lone independent claim 21. In fact, Glatkowski does not teach or suggest any milling step at all for any purpose. As cited by the Final Office Action, Glatkowski teaches the use of a ultrasonic homogenizer to disperse the carbon nanotubes in solvents. (Col. 10, lines 40-67). An ultrasonic homogenizer uses ultrasound waves to disperse carbon nanotubes. This is not the same as milling, which is a mechanical process that requires a milling machine. Indeed, Applicants’ claims 21 and 23 and teachings at p. 23, lines 13-p. 24, line 2 confirm that sonication and milling are two different steps.

The reference provided by the Final Office Action only confirms this conclusion. That is, the cited Free Dictionary source states that milling means “To grind, pulverize, or break down into smaller particles in a mill,” (emphasis added). The Final Office Action’s argument left out the “in a mill” part of the Free Dictionary definition, which clearly confirm Applicants’ position that milling is a mechanical process that uses a milling machine (aka, a “mill” which is defined by the same Free Dictionary source as “a machine or device that reduces a solid or

coarse substance into pulp or minute grains by crushing, grinding or pressing” – all of which are mechanical processes). Thus, it would be incorrect and unreasonable without basis to extrapolate milling to include non-mechanical processes such as ultrasound waves as the Final Office Action attempts to do.

Furthermore, it noted that the Final Office Action cites to U.S. Patent No. 6,099,965, Col. 25, line 11-15 to support that “it would have been obvious to a person of ordinary skill in the art to substitute a filtering means as a functional equivalent of centrifuge.” However, this cited section of U.S. Patent 6,099,965 only repeats the beginning of an Example 12 and thus, does not support this proposition. As such, this ground for rejection cannot be maintained. MPEP 706.02(j). The complete absence of any art to support this statement confirms that it would not be obvious to substitute filtering for centrifuging.

Shibuta I and Shibuta II fail to make up for these deficiencies. As such, Applicants respectfully submit that the pending claims 21-23, 26-28, 30-35, 44, 76-78, 81, 82, 84-89 and 97 are allowable and a notice to that effect is respectfully requested.

No fees are believed due in connection with the filing of this *Response*. However, if any additional fees are necessary, the Director is hereby authorized to charge such fees to Deposit Account No. 50-0540.

Dated: June 23, 2008

Respectfully submitted,

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